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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BRUCE BRYAN

Serial No.: 09/444,762

Filed: November 22, 1999

Group Art Unit: 1652

Examiner: Rebecca Prouty

: BIOLUMINESCENT NOVELTY  
ITEMS

: Attorney File No. 24729-105E

RECEIVED  
FEB 28 2002  
TECH CENTER 1600/2900

**RESPONSE TO COMMUNICATION**

February 12, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Communication dated January 15, 2002 and the Restriction Requirement dated September 25, 2001, Applicant elects, with traverse, to prosecute the toy gun species (Claim 35) of the application.

**REMARKS**

Applicant previously elected to prosecute the invention of Group I (Claims 1-5, 7-9, 11-28, 32-43, 47-50 and 52-64). The present Response further elects to prosecute the toy gun species (Claim 35).

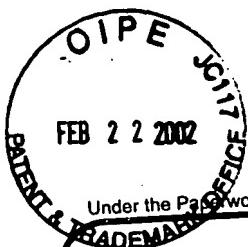
If it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (412) 263-4340.

Respectfully submitted,

Alan G. Towner

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# **TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/444,762
		Filing Date	11/22/1999
		First Named Inventor	Bruce Bryan
		Group Art Unit	1652 FEB 28 2002
		Examiner Name	Rebecca E. PITT
		Attorney Docket Number	TECH CENTER 1600/24729-105E
Total Number of Pages in This Submission		Check all that apply	

**ENCLOSURES** (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> (for an Application)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- Response to Communication</li> <li>- return postcard</li> </ul> |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address |  |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  |  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | Remarks   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Alan G. Towner Pietragallo, Bosick & Gordon
Signature	
Date	02/13/2002

**CERTIFICATE OF MAILING**

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **02/13/2002**

Typed or printed name	Alan G. Towner		
Signature		Date	02/13/2002
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**Signature** *[Signature]* Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. An estimate of the time required to complete this form is provided in Good Faith. The burden hour statement is not a bill for services. Any fee or payment you make to the U.S. Patent and Trademark Office, Washington, DC 20231, is separate from the burden hour statement. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.